



# *Assessing Court Performance*

## **Judicial District And Judicial Resources Study Committee**

Des Moines, Iowa

November 9, 2004



# Reinventing Government

Encouraged public organizations to:

- To set outcome goals and focus on results more than process
- Measure their performance
- Report their results
- Give legislators credible information about agency efficiency and effectiveness

# Effective Governance and Accountability

## COSCA Policy Statement

**While vigilant of our constitutional prerogatives as a separate branch of government, courts in the future must go beyond accepting the necessity of outside review and actually welcome it as an excellent opportunity to educate the public and the other branches about the mission, accomplishments and needs of the third branch.**

*Success requires articulated performance goals*

Reprinted in the *Court Manager*, 2004, Volume 19, Issue 1, pp. 34-36.



# Judicial Accountability

*COSCA Position Paper on Effective Judicial  
Governance and Accountability*

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“...with judicial governance comes the right and interest of other branches of government and the public to hold the judiciary accountable for effective management of court business.”



# What are the Guiding Principles

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- CCJ/COSCA Joint Resolution 23:  
*In Support of Principles of Effective Judicial Governance and Accountability*



# Court Performance

What are the core responsibilities for which courts should be held accountable?

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- Cases processed and disposed of fairly and expeditiously
- Comprehensive data readily available
- Continuing self-improvement
- Measure and report on our own court performance using credible accountability tools, including court performance standards and measures
- Use of modern technological innovations
- Transparency of operations and procedures



# Premises Underlying the Resolution

- **Judicial independence is not an end in itself but a means to ensure that the courts can fulfill their constitutional mandate**
- **Failure to be accountable can**
  - foster misunderstanding
  - Lead to micro-management by other branches
  - Diminish the Judiciary's ability to manage its own affairs
  - Increase likelihood of criticism of individual judges' decisions

# Agenda

## 1. Big Questions

- Why measure? That is, what are the benefits of a focus on accountability?
- What are the criteria for a good set of measures?
- What to measure?
- Compared to what?

## 2. CourTools

## 3. Other States

# **Guiding Ideas**

**What are the benefits of a focus on accountability? That is, why measure?**

- **Demonstrate effective stewardship of resources**
- **Effective use of staff to achieve results**
- **Make decisions based on information**
- **Assess progress in attaining goals**
- **Motivate specific behavior**
- **Identify and celebrate positive outcomes**

# **Guiding Ideas**

**What are the criteria for a good set of measures?**

- **Linkage to Mission and Values**
- **Balanced Perspective**
- **Measurable**
- **Sustainable**
- **Outcome Focus**
- **A feasible, meaningful, practical few**

# **Outcome Measures**

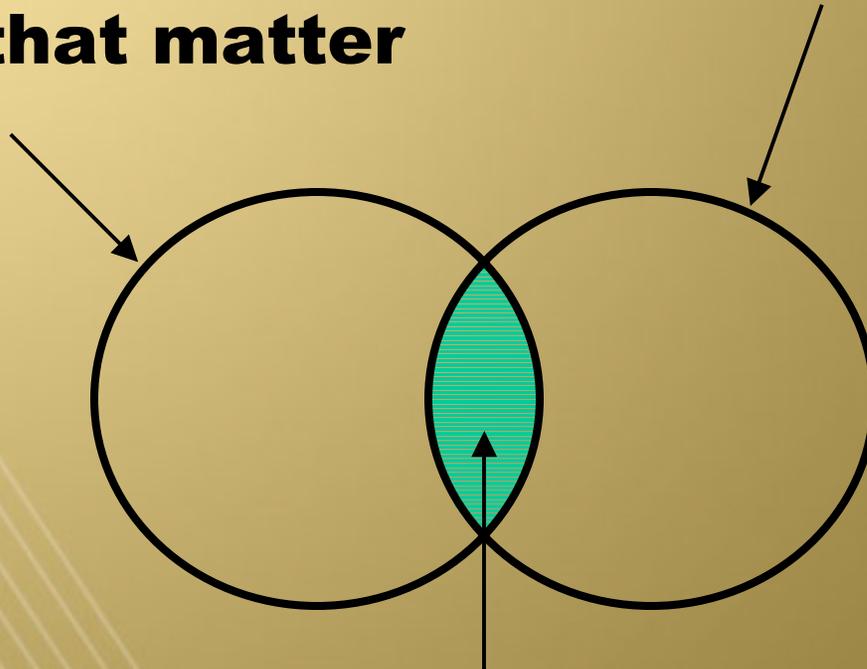
- **Indicate the quality or effectiveness of a service**
  - **Indicate progress toward achieving the goals and objectives of the court**
  - **Measure the results of court activity compared to its intended purpose**
- **Answer: "Do these resources result or contribute to the success of what we want to accomplish?"**

# Guiding Ideas

**What to Measure?**

**Things that can be measured**

**Things that matter**



**What to Measure**

# Guiding Ideas

## Compared to What?

- **Past Performance**
- **System-wide standards**
  - **Develop standards**
  - **Use to see if performance meets/exceeds expectations**

# **Trial Court Performance Standards**

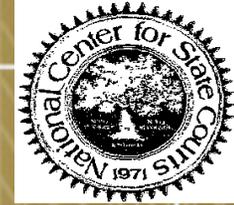
- **Purpose – Assess and improve the administration of justice**
- **Focus – Specific and measurable results**
  - **Five performance areas**
  - **22 standards**
  - **68 separate measures**

# Trial Court Performance Standards



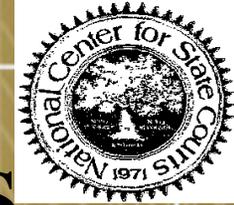
“Develop a common language for describing, classifying, and measuring the performance of trial courts”





# Access to Justice

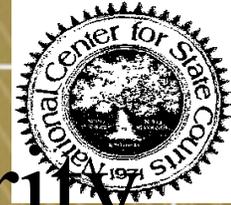
Eliminate any unnecessary geographic, economic, procedural, physical, language, or psychological barriers to court service



# Expedition and Timeliness

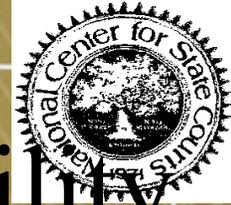
Reducing delay; affects not only litigants, but all individuals and organizations involved with the judicial system. Includes:

- Jurors
- Attorneys
- Witnesses
- Criminal justice agencies
- Social service agencies



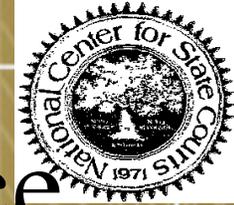
# Equality, Fairness, and Integrity

Constitutional guarantees of due process and equal protection under the law; court should be explicit in their orders and ensure enforcement of orders



# Independence and Accountability

- Separation of powers
- Ability to maintain effective working relationships with other branches
- Courts status as a public institution



# Public Trust and Confidence

Judicial system derives its power and legitimacy from those it serves. Court should consider its performance in the other four areas through the eyes of various constituencies

# **CourTools**

- **Purpose – Identify and define core responsibilities of courts**
- **Focus – Specific and measurable results**
  - **Four performance areas**
  - **10 separate measures**

# **CourTools Perspective**

- **Balanced scorecard gives managers information from four different perspectives**
- **Minimizes information overload by limiting the number of measures used (*organizations rarely suffer from too few measures*)**
- **Forces organization to focus on the handful of measures that are most critical**

# **Balanced Scorecard**

## **Two implicit dimensions**

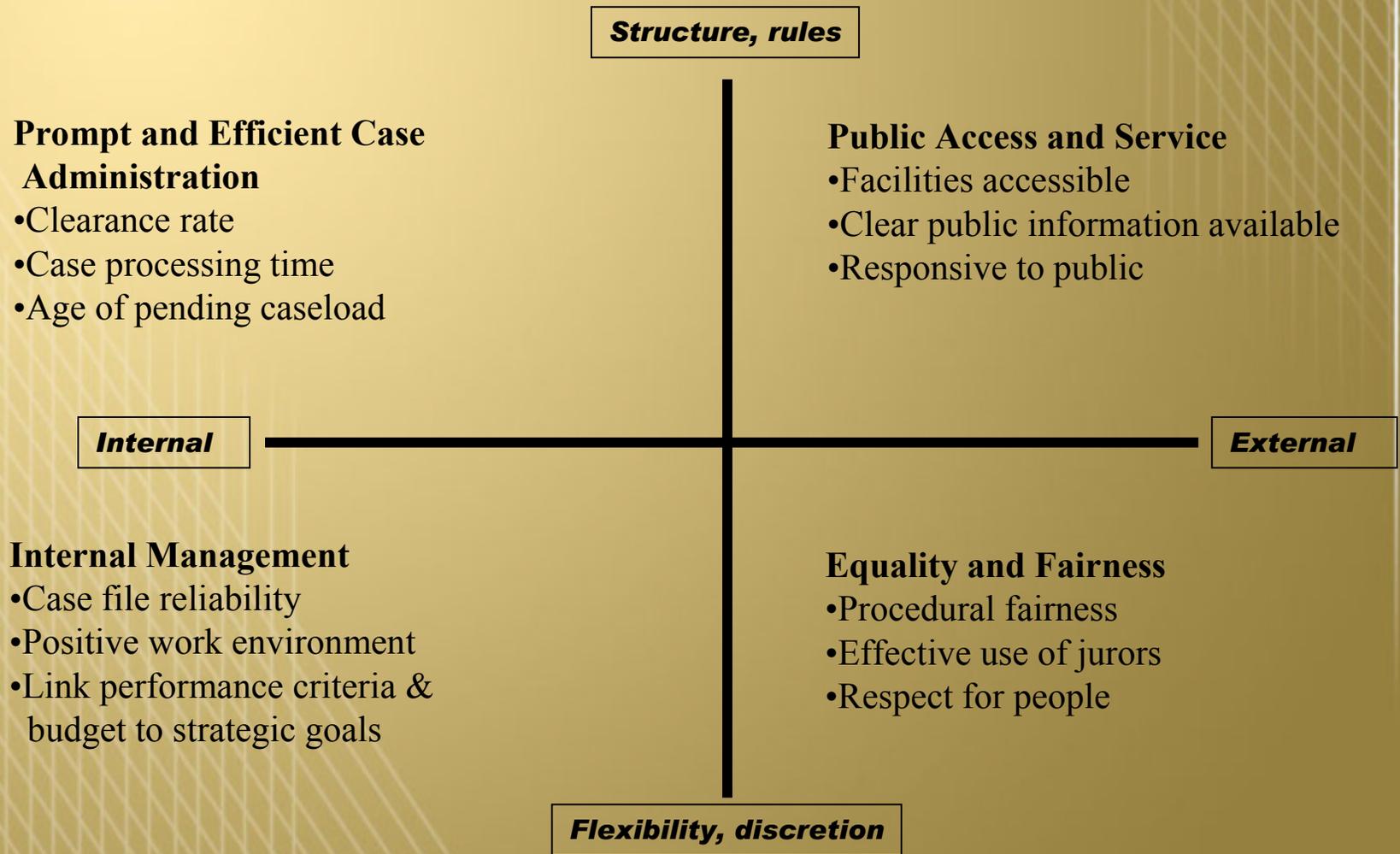
- Internal versus External**
- Structure versus Flexibility**

## **Four areas**

- Public Access and Service**
- Equality and Fairness**
- Prompt and Efficient Case Administration**
- Effective Management**

# Court's Balanced Scorecard

## – Possible Measures –



# CourTools

- **Access and Fairness** – Ratings of court users on the terms of fairness, equality, and respect.

# **Access and Fairness Measure 1**

## **Accessibility and Fairness Survey**

### **Access**

- 1. Finding the courthouse was easy.**
- 2. I easily found the courtroom or office I needed.**
- 3. I felt safe in the courthouse.**
- 4. I was able to get my court business done in a reasonable amount of time.**
- 5. Court staff paid attention to my needs.**
- 6. I was treated with courtesy and respect.**
- 7. The forms I needed were clear and easy to understand.**
- 8. The court's Web site was useful.**
- 9. The court's hours of operation made it easy for me to do my business.**
- 10. I was able to participate effectively without problems due to my handicapping conditions, disabilities, or language difficulties.**

### **Fairness**

- 1. The way my case was handled was fair.**
- 2. The judge listened to my side of the story before he or she made a decision.**
- 3. The judge had the information necessary to make good decisions about my case.**
- 4. I was treated the same as everyone else.**
- 5. As I leave the court, I know what the court requires me to do next about my case.**

# CourTools

- **Clearance Rates** – The number of outgoing cases as a percentage of the number of incoming cases.
- **Time to Disposition** – The percentage of cases disposed or otherwise concluded (i.e., resolved, disposed, or concluded) within established time frames.
- **Age of Active Pending Caseload** – The average age of active cases pending before the court, measured as the average number of days from filing until time of measurement.

# CourTools

- **Trial Date Certainty** – The average number of times cases scheduled for trials are rescheduled before they are heard.
- **Reliability and Integrity of Case Files** – The percentage of files that can be retrieved within established time standards, and that meet established standards for completeness and accuracy of contents.
- **Collection of Monetary Penalties** – Payments collected and distributed within established timelines, expressed as a percentage of total fines, fees, restitution and costs ordered by a court.

# CourTools

- **Effective Use of Jurors** – Jury yield is the number of citizens selected for jury duty who are qualified and report to serve, expressed as a percentage of the total number of prospective jurors available. Jury utilization is the rate at which prospective jurors are used at least once in trial or voir dire.
- **Court Workforce Strength** – The percentage of court employees responding positively on workplace survey questions associated with high levels of efficiency, effectiveness, and customer satisfaction.

## Court Workforce Strength Measure 9



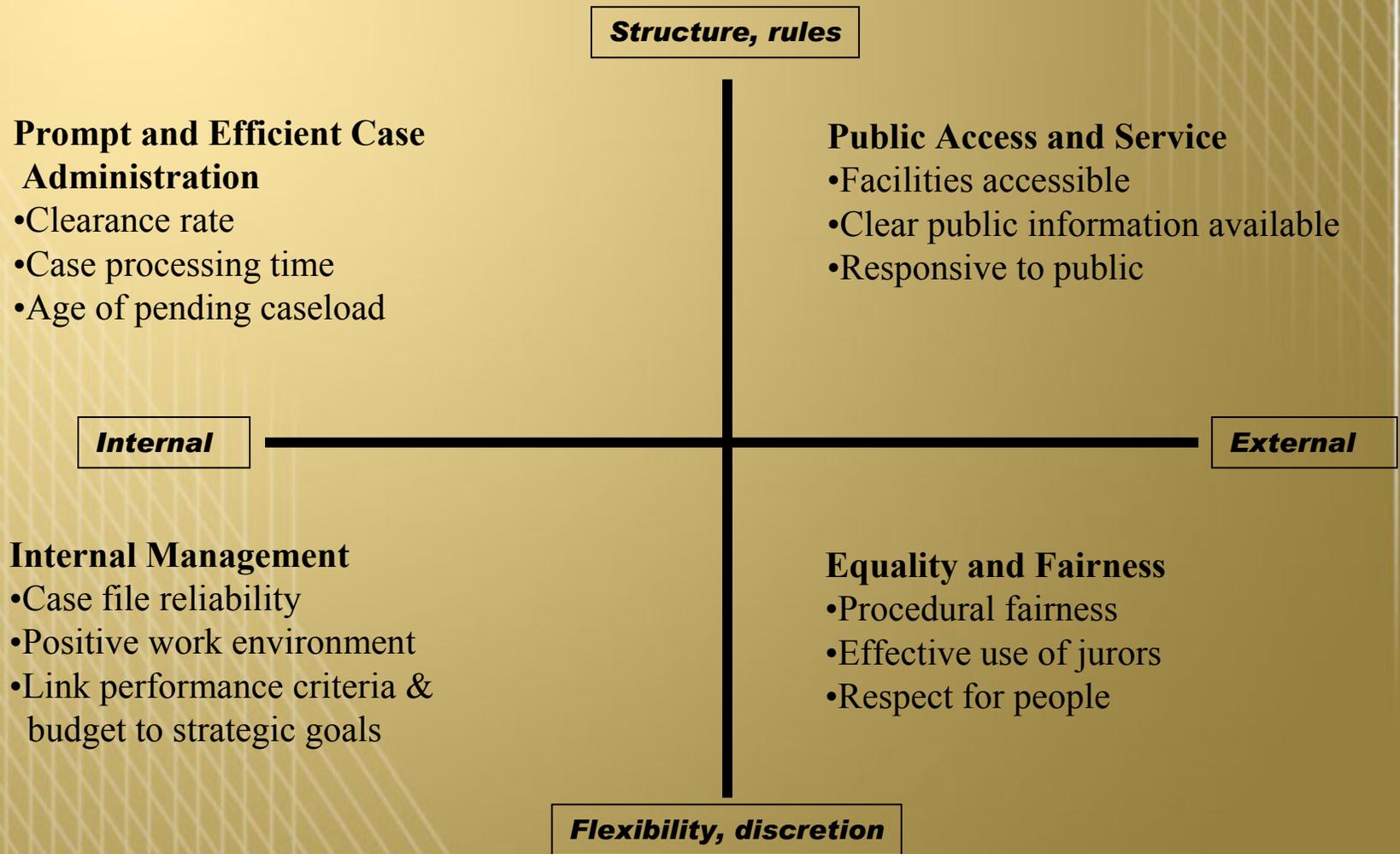
1. I understand what is expected of me.
2. I am able to do my best every day.
3. I have the resources necessary to do my job well.
4. My working conditions and environment enable me to do my job well.
5. In the last month, someone has talked to me about my performance.
6. I am kept informed about matters that affect me.
7. Communication within my division (department or unit) is good.
8. In the last month, I was recognized and praised for doing a good job.
9. Someone in the court cares about me as a person.
10. I have opportunities to express my opinion about how things are done.
11. The court is respected in the community.
12. My coworkers work well together.
13. I am encouraged to try new ways of doing things.
14. I am treated with respect.
15. I feel valued by my supervisor based on my knowledge and contribution.
16. I feel free to speak my mind.
17. I enjoy coming to work.
18. My coworkers care about the quality of services we provide.
19. I understand the connection between my work and the court's mission.
20. I am proud that I work in the court.

# CourTools

- **Cost per Case** – The average cost for processing a single case, by the case type.

# Court's Balanced Scorecard

## – Possible Measures –



# **Outcome Measures**

- **Indicate the quality or effectiveness of a service**
  - **Indicate progress toward achieving the goals and objectives of the court**
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- **Answer: "Do these resources result or contribute to the success of what we want to accomplish?"**

# **Each Performance Area**

- **Identify court's core responsibilities**
- **One or more target indicators for each desired outcome**
- **Details of data collection**
- **How results will be used**
- **Performance targets**

# Other States

- Washington State
- Washington DC
- Tennessee (drug courts)
- Nevada
- North Carolina
- Louisiana
- Florida
- Colorado
- California

# California--Goal

- **Relate staffing standards to comprehensive performance assessment strategy for the trial courts of California**
- **Project incorporates and extends:**
  - **Study of judicial workload (*California Judicial Workload Assessment*)**
  - **ongoing examination of court staff workload (*Resource Allocation Study*)**
  - **development of the *Resource Equity Model* (REM)**
- **Information on workload and financial expenditures will serve as critical inputs to the proposed development of a limited, practical and balanced set of outcome-based performance measures**

# Logic Model

Resources (inputs) →

Activities (Functions) →

Outputs/workload →

Outcomes (Impact)

# Approach

- **Resources** include the human, financial and organizational resources available to do the work in the California trial courts. (e.g., total \$ spent, number of court staff employed and the number of court locations)
- **Activities** describe what a court does with the available resources...the basic actions and responsibilities of court staff (e.g., RAS)
- **Outputs** are indicators of the amount of service provided...do not directly indicate if court is achieving primary goals (e.g., number of filings processed and the time spent per filing)
- **Outcomes** are events, occurrences, or conditions that indicate progress toward achieving the goals and objectives of the court... quality or effectiveness of a service...results of court activity compared to its intended purpose (e.g., litigant satisfaction, time to disposition and effective use of jurors).